

ELECTRONICALLY FILED

October 9, 2007

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USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

Affects)

☐ All Debtors)☐ USA Commercial Mortgage Co.)☐ USA Securities, LLC)☐ USA Capital Realty Advisors, LLC)☐ USA Capital Diversified Trust Deed)☒ USA Capital First Trust Deed Fund, LLC)

DATE: September 28, 2007

TIME: 1:30 p.m.

**NOTICE OF ENTRY OF ORDER SUSTAINING PARTIAL OBJECTION OF USACM
TRUST TO ARLENE CRONK CLAIM FILED IN WRONG DEBTOR'S CASE;
OBJECTION OF FTDF TO PROPOSED ALLOWANCE OF CLAIM; AND OBJECTION
OF DTDF TO PROPOSED ALLOWANCE OF CLAIM**

1
2 PLEASE TAKE NOTICE that an Order Sustaining Partial Objection of USACM Trust
3 to Arlene Cronk Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed
4 Allowance of Claim; and Objection of DTDF to Proposed Allowance of Claim was entered on
5 the 5th day of October, 2007, a true and correct copy of which is attached hereto.

6 DATED this 9th day of October, 2007.

7
8 SHEA & CARLYON, LTD.

9 

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Entered on Docket
October 05, 2007

Linda B. Riegle

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☒ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Order Sustaining Partial Objection of USACM Trust To Arlene Cronk Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim; and Objection of DTDF to Proposed Allowance of Claim

Hearing Date: September 28, 2007
Hearing Time: 1:30 p.m.

1 The Court having considered the Partial Objection of USACM Trust To Arlene Cronk
2 Claim Filed in Wrong Debtor's Case; Objection of FTDF to Proposed Allowance of Claim; and
3 Objection of DTDF to Proposed Allowance of Claim (the "Objection") [Docket No. 4643];
4 appearances having been noted on the record; adequate notice of the Objection having been given;
5 there having been no response filed to the Objection; and for good cause appearing:
6

7 IT IS HEREBY ORDERED that the Objection is sustained, and that Claim No. 10726-
8 00010 (the "Claim") is partially disallowed against the estate and in the case of USACM to the
9 extent of any portion of the Claim that is based upon equity interests in either FTDF or DTDF or
10 that relates to USA Capital Realty Advisors, LLC; and the Claim is further disallowed against the
11 estates and in the cases of FTDF and DTDF in its entirety.
12

13 IT IS FURTHER ORDERED that this Order shall not affect any other claims filed by
14 Arlene Cronk, Edward Davies, or the Arline L. Cronk And Edward H. Davies TTEE's Of The
15 Arline L. Cronk And Edward H. Davies Living Trust 6/27/03 (collectively, the "Claimants") in
16 these jointly-administered bankruptcy proceedings.

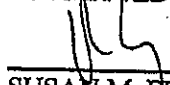
17 IT IS FURTHER ORDERED that this Order shall not affect either the amount or validity
18 of any of the Claimants' equity interests in FTDF as reflected in FTDF's books and records,
19 which interests are as follows:
20

- 21 1. Arline L. Cronk And Edward H. Davies TTEE's Of The Arline L.
22 Cronk And Edward H. Davies Living Trust 6/27/03 - \$30,000.00;
- 23 2. Retirement Accounts Inc TTEE FBO Arline L. Cronk - \$61,105.00;
- 24 3. Retirement Accounts Inc. TTEE FBO Edward Davies - \$50,920.50.
- 25
- 26

1 IT IS FURTHER ORDERED that this Order shall not affect either the amount or validity
2 of the Arline L. Cronk and Edward H. Davies Living Trust 6/27/03's equity interest in DTDF as
3 reflected in DTDF's books and records, which equity interest is in the amount of \$24,023.66.
4

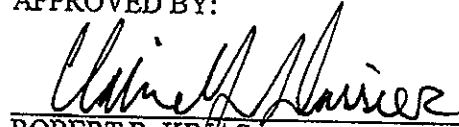
5 IT IS FURTHER ORDERED that nothing in this Order shall prejudice the rights of
6 USACM to file further objections to the portion of the Claim that is not based upon any equity
7 interests held by Claimants in either FTDF or DTDF.

8 SUBMITTED BY:

9 
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16 APPROVED BY:


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1 *Approved*
~~REVIEWED:~~

2 OFFICE OF THE U.S. TRUSTEE

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